

REMARKS

This Response is submitted in reply to the Office Action dated September 25, 2002, having a shortened statutory period set to expire December 25, 2002. Claims 1-21 are pending.

Claim Rejections - 35 U.S.C. § 103

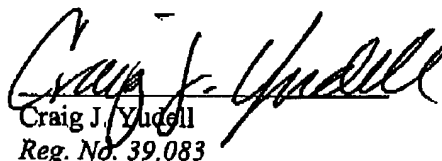
Claims 1-21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Massarani* (U.S. Patent 6,336,117 B1) in view of *Nagashima* (U.S. Patent 6,438,574 B1). Those rejections are respectfully traversed and reconsideration of the claims is requested.

Applicants respectfully submit that the rejection of Claims 1-21 is improper pursuant to 35 U.S.C. § 103(c). *Massarani* qualifies as prior art only under Section 102(e) because *Massarani* is a patent granted on an application for patent by another filed in the United States before the invention by the Applicant. As the Examiner will note by reference to the *Massarani* patent and to the assignment records for the present application, both were commonly owned by International Business Machines Corporation at the time the invention was made. Consequently, pursuant to 35 U.S.C. § 103(c), *Massarani* cannot preclude patentability under Section 103(a), and consequently does not support the present rejection of Claims 1-21.

In light of the above, Applicants believe that this rejection is not applicable to the claims; therefore, a Notice of Allowance of the claims now pending in this application is respectfully requested.

No fee is believed to be required; however, in the event any additional fees are required, please charge any fee associated with an extension of time, as well as any other fee necessary to further the prosecution of this application to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,



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